

REMARKS

In the Notice of Allowance mailed June 23, 2009, claims 1, 2, 6, 10-16, 18, 19, 26-30, and 57-67 were allowed. Claims 3, 4, 5, 7, 8, 9, 17, 20-25, and 31-56 had been previously cancelled without prejudice. In the Notice of Allowance, claims 61, 62, 63, and 64 were amended by the Examiner as authorized by the applicant's attorney in a telephone interview on June 16, 2009.

In this amendment after Notice of Allowance, the applicant has amended paragraph [0001] of the specification entitled "CROSS REFERENCE TO RELATED APPLICATIONS" to indicate that U.S. Application No. 10/371,877, filed on Feb. 20, 2003, is now issued U.S. Patent No. 7,449,308. The applicant has also amended the paragraph to cancel benefit to

U. S. Application No. 09/892,591, filed June 27, 2001, which claims the benefit under 35 U.S.C. §119(e) of U.S. Provisional Application No. 60/214,358, filed June 28, 2000, U.S. Provisional Application No. 60/215,638, filed June 30, 2000, and U.S. Provisional Application No. 60/279,997, filed March 30, 2001.

It had been noted that in the Office Action mailed September 10, 2007, the applicant was granted the benefit of priority for U.S. Application No. 10/371,877 but not to U.S. Application No. 09/892,591. As a consequence, U.S. Patent No. 7,029,872, which had granted from U.S. Application No. 09/892,591, was cited against the claims under 35 U.S.C. § 102(e) in the Office Action mailed September 10, 2007. This amendment conforms the claim of benefit in paragraph [0001] to that which was granted the applicant in the Office Action mailed September 10, 2007.

The applicant respectfully requests the entry of this amendment under 37 C.F.R. 1.312. It is not believed the above amendments have introduced any new matter into the application.

CONDITIONAL PETITION

Applicant hereby makes a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

Respectfully submitted,

Application No.: 10/616,082
Amendment Date: July 17, 2009
Amendment After Allowance

By /John David Reilly, Reg. #43,039/
John David Reilly
Reg. No. 43,039
Attorney for Applicant

MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-6914

Date: July 27, 2009